

114TH CONGRESS
1ST SESSION

S. 1921

To amend title XIX of the Social Security Act to encourage States to adopt administrative procedures with respect to nonmedical exemptions for State immunization requirements.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2015

Mr. MURPHY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to encourage States to adopt administrative procedures with respect to nonmedical exemptions for State immunization requirements.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Vaccinate America’s

5 Children through Complete Information & Education Act

6 of 2015”.

1 **SEC. 2. ENCOURAGING STATES TO STRENGTHEN ADMINIS-**
2 **TRATIVE PROCEDURES RELATED TO NON-**
3 **MEDICAL EXEMPTIONS FROM STATE VAC-**
4 **CINATION REQUIREMENTS.**

5 (a) IN GENERAL.—Section 1928 of the Social Secu-
6 rity Act (42 U.S.C. 1396s) is amended—

7 (1) by redesignating subsection (h) as sub-
8 section (i); and

9 (2) by inserting after subsection (g) the fol-
10 lowing new subsection:

11 “(h) ADMINISTRATIVE PROCEDURES FOR GRANTING
12 NONMEDICAL EXEMPTIONS.—

13 “(1) CERTIFICATION OF ADOPTION OF PROCE-
14 DURES.—

15 “(A) IN GENERAL.—A State program
16 under this section does not comply with the re-
17 quirements of this section unless the State cer-
18 tifies to the Secretary that the State has estab-
19 lished administrative procedures for granting
20 nonmedical exemptions from State immuniza-
21 tion requirements (as defined in subparagraph
22 (B)) that include at least 2 of the prerequisites
23 described in paragraph (2).

24 “(B) NONMEDICAL EXEMPTION FROM
25 STATE IMMUNIZATION REQUIREMENT.—For
26 purposes of this subsection, the term ‘nonmed-

1 ical exemption from State immunization re-
2 quirements' means any exemption from a State
3 law that requires a child to receive a pediatric
4 vaccine (including school immunization require-
5 ments) that is not based on a medical reason.

6 “(2) NONMEDICAL EXEMPTION PRE-
7 REQUISITES.—The prerequisites for granting a non-
8 medical exemption from State immunization require-
9 ments described in this paragraph are the following:

10 “(A) The State requires that prior to the
11 exemption being granted, a parent or guardian
12 seeking a nonmedical exemption from State im-
13 munization requirements for a child shall dis-
14 cuss the consequences of nonvaccination with
15 the child’s pediatrician or other primary care
16 provider and that the discussion is noted in the
17 child’s medical record.

18 “(B) The State requires that prior to the
19 exemption being granted, a parent or guardian
20 seeking a nonmedical exemption from State im-
21 munization requirements for a child read and
22 sign a form that discusses the risks of nonvac-
23 cination and submits the form to the State.

24 “(C) The State requires that prior to the
25 exemption being granted, a parent or guardian

1 seeking a nonmedical exemption from State im-
2 munization requirements for a child submits to
3 the State a notarized letter describing the par-
4 ent's or guardian's reasons for seeking the ex-
5 emption.

6 “(D) The State requires that all nonmed-
7 ical exemptions from State immunization re-
8 quirements shall only be granted for a 1-year
9 period and shall be required to be renewed an-
10 nually if a parent or guardian of a child wants
11 the exemption to continue for another year.

12 “(3) PENALTY.—

13 “(A) IN GENERAL.—With respect to a fis-
14 cal year, if a State fails to submit the certifi-
15 cation required under paragraph (1) or if the
16 administrative procedures established by the
17 State for granting nonmedical exemptions from
18 State immunization requirements do not include
19 at least 2 of the prerequisites described in para-
20 graph (2), the State shall pay the Secretary an
21 amount equal to—

22 “(i) in the case of a State that is not
23 a manufacturer of pediatric vaccines, 5
24 percent of the value (as determined by the
25 Secretary) of the vaccines provided to the

1 State under subsection (b)(2)(A) for that
2 fiscal year; and

3 “(ii) in the case of a State that is a
4 manufacturer of pediatric vaccines, 5 per-
5 cent of the sum of—

6 “(I) the value (as determined by
7 the Secretary) of any vaccines pro-
8 vided to the State under subsection
9 (b)(2)(A) for that fiscal year; and

10 “(II) the amount paid to the
11 State for the fiscal year under sub-
12 section (b)(2)(C).

13 “(B) TREATMENT AS AN OVERPAYMENT.—
14 A State payment required to be made to the
15 Secretary under subparagraph (A) shall be
16 deemed an overpayment to the State under this
17 title to be disallowed against the State’s regular
18 quarterly draw for all spending under section
19 1903(d)(2). Such a disallowance is not subject
20 to a reconsideration under section 1116(e).”.

21 (b) CONFORMING AMENDMENTS.—

22 (1) Section 1928 of the Social Security Act (42
23 U.S.C. 1396s), as amended by subsection (a), is fur-
24 ther amended—

1 (A) in subsection (a)(1)(A), by striking
2 “subsection (h)(8)” and inserting “subsection
3 (i)(8)”; and

4 (B) in subsection (b)(2)(A)(iv), by striking
5 “subsection (h)(3)” and inserting “subsection
6 (i)(3)”.

7 (2) Section 609(d) of the Employee Retirement
8 Income Security Act of 1974 (42 U.S.C. 1169(d)) is
9 amended by striking “section 1928(h)(6)” and in-
10 serting “section 1928(i)(6)”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this Act shall take effect on the date that is 1 year after
13 the date of the enactment of this Act.

